

1 JUDGE CHACHKIN: 4 is a supplement to the Petition  
2 to Deny which was filed by RAM. I assume it's also to show  
3 the fact that it was filed with the Commission --

4 MR. HARDMAN: That's right and --

5 JUDGE CHACHKIN: -- and state of mind?

6 MR. HARDMAN: Right.

7 JUDGE CHACHKIN: For that -- any objection for that  
8 purpose?

9 MS. LADEN: None, Your Honor.

10 JUDGE CHACHKIN: Capitol Exhibit 4 is received.

11 (The document previously marked for  
12 identification as CAP Exhibit No. 4  
13 was received into evidence.)

14 JUDGE CHACHKIN: 5 is another supplement filed by  
15 RAM which I assume was filed for the same purpose. Is that  
16 correct, the purposes which I indicated?

17 MR. HARDMAN: That's right, Your Honor.

18 JUDGE CHACHKIN: Any objection? Capitol Exhibit 5  
19 is received.

20 (The document previously marked for  
21 identification as CAP Exhibit No. 5  
22 was received into evidence.)

23 JUDGE CHACHKIN: And 6 is a letter which was sent by  
24 Ms. Foelak to Mr. Joyce and is also part of the file prior to  
25 the setting of this application for a hearing. I assume it

1 was filed for the same purpose?

2 MR. HARDMAN: That's right, Your Honor.

3 JUDGE CHACHKIN: Capitol Exhibit 6 is received.

4 (The document Previously marked for  
5 identification as CAP Exhibit No. 6  
6 was received into evidence.)

7 JUDGE CHACHKIN: 7 is a Petition for Reconsideration  
8 which is being -- I assume is being submitted for the same  
9 purposes, state of mind and --

10 MR. HARDMAN: Yes, Your Honor.

11 JUDGE CHACHKIN: -- what was filed with the  
12 Commission? Capitol Exhibit 7 is received.

13 (The document previously marked for  
14 identification as CAP Exhibit No. 7  
15 was received into evidence.)

16 JUDGE CHACHKIN: 8 is a Motion to Stay and it will  
17 be received for the similar purposes, namely state of mind and  
18 to show that it was filed with the Commission.

19 (The document previously marked for  
20 identification as CAP Exhibit No. 8  
21 was received into evidence.)

22 JUDGE CHACHKIN: 9 is a reply which will be also  
23 received for the similar purposes.

24 (The document previously marked for  
25 identification as CAP Exhibit No. 9

1 was received into evidence.)

2 JUDGE CHACHKIN: 10 is a letter from the Congressman  
3 which I assume is also to show part of the filing and also  
4 state of mind. Is that correct?

5 MR. HARDMAN: That's right, Your Honor.

6 JUDGE CHACHKIN: It will be received for those  
7 limited purposes.

8 (The document previously marked for  
9 identification as CAP Exhibit No. 10  
10 was received into evidence.)

11 JUDGE CHACHKIN: 11, I assume this -- what -- the  
12 purpose of this is to show also a chronology of all the events  
13 which took place or what other purpose?

14 MR. HARDMAN: Yes, Your Honor, but in addition the  
15 declaration of J. Michael Raymond which is two pages, we are  
16 offering that for the truth in lieu of repeating the substance  
17 of that in his direct statement.

18 MS. LADEN: We have no objection, Your Honor.

19 JUDGE CHACHKIN: All right. Capitol Exhibit 11 is  
20 received.

21 (The document previously marked for  
22 identification as CAP Exhibit No. 11  
23 was received into evidence.)

24 JUDGE CHACHKIN: 12 is again another declaration of  
25 Mr. Raymond.

1 MR. HARDMAN: Right, with the covering letter and  
2 the same comments -- or the same purposes are involved there.

3 JUDGE CHACHKIN: But as to Mr. Basham, that's not  
4 being received for the truth of the matters? They're in only  
5 to show that this was part of the filing?

6 MR. HARDMAN: That's right, Your Honor.A

7 JUDGE CHACHKIN: All right.

8 MS. LADEN: Your Honor, I have some objections to  
9 Mr. Raymond's declaration at Exhibit 12.

10 JUDGE CHACHKIN: All right.

11 MS. LADEN: At the bottom of page 2 --

12 JUDGE CHACHKIN: Yes.

13 MS. LADEN: -- "It is absolutely ludicrous that RAM  
14 should complain." That -- from that up until page 4, the end  
15 of page 4, we submit, Your Honor, is irrelevant.

16 MR. HARDMAN: Your Honor, this is, this is the  
17 testimony by this witness that, in fact, what was going on was  
18 not what the Government was claiming but was the reverse. It  
19 was RAM interfering with Capitol.

20 JUDGE CHACHKIN: I'll overrule the objection.

21 MS. LADEN: Your Honor, at the bottom of page 3 --

22 JUDGE CHACHKIN: Yes.

23 MS. LADEN: I'm sorry. This was a note I had for  
24 cross-examination.

25 JUDGE CHACHKIN: All right.

1 MS. LADEN: I have no further objections.

2 JUDGE CHACHKIN: All right. Capitol Exhibit 12 is  
3 received.

4 (The document previously marked for  
5 identification as CAP Exhibit No. 12  
6 was received into evidence.)

7 JUDGE CHACHKIN: 13 is a letter, Mr. Capehart to Mr.  
8 Raymond. Any objection to it's receipt?

9 MS. LADEN: No objection, Your Honor.

10 JUDGE CHACHKIN: Capitol Exhibit 13 is received.

11 (The document previously marked for  
12 identification as CAP Exhibit No. 13  
13 was received into evidence.)

14 JUDGE CHACHKIN: 14 is a letter from Mr. Hardman to  
15 Mr. --

16 MR. HARDMAN: And the response.

17 JUDGE CHACHKIN: And the response. Any objection?

18 MS. LADEN: Your Honor, I think we had previously  
19 stated in connection with this matter but I'm not sure but,  
20 anyway, we believe that this is irrelevant also.

21 JUDGE CHACHKIN: Irrelevant?

22 MS. LADEN: Yes, Your Honor.

23 MR. HARDMAN: We did have a discussion about this  
24 the other day, Your Honor, and our -- I -- as I recall, you  
25 reserved the ruling on it, but the, the purpose of offering

1 | this, again, is to show state of mind of Capitol based on what  
2 | its understanding of the requirements for PCP licensees were  
3 | at the time and the conflicting information about that,  
4 | whether, whether the -- whether its understanding was correct  
5 | or not and, again, it's to show state of mind and whether what  
6 | it did under the circumstances was reasonable.

7 | JUDGE CHACHKIN: Capitol Exhibit 14 is received.

8 | (The document previously marked for  
9 | identification as CAP Exhibit No. 14  
10 | was received into evidence.)

11 | JUDGE CHACHKIN: 15 is -- any objection to 15?

12 | MS. LADEN: Your Honor, I just have a question as to  
13 | its relevance.

14 | MR. HARDMAN: Well again, this is the official  
15 | documentation of the different phases or the different  
16 | modifications that Capitol made to its system in response to  
17 | various technical problems that it had which are recited in  
18 | Mr. Raymond's testimony and it covers the period of time at  
19 | issue here.

20 | MS. LADEN: That's fine, Your Honor. We have no  
21 | objection.

22 | JUDGE CHACHKIN: All right. Capitol Exhibit 15 is  
23 | received.

24 | (The document previously marked for  
25 | identification as CAP Exhibit No. 15

1 was received into evidence.)

2 JUDGE CHACHKIN: 16? Any objections? Well, this is  
3 a Notice of Apparent Liability. I think you put it in also,  
4 didn't you?

5 MS. LADEN: Yes, Your Honor. It's our Exhibit 12.

6 JUDGE CHACHKIN: All right.

7 MS. LADEN: It's just that it's cumulative.

8 MR. HARDMAN: It -- I have no objection to it not  
9 being received in light of the fact that the, the Bureau --

10 JUDGE CHACHKIN: All right. 16 then has been  
11 identified. It's not being offered since it's cumulative. A  
12 copy's already been included in the Bureau's exhibits. 17?  
13 There's been some testimony about it, the Pager Pickup  
14 Agreement. Any objection to that?

15 MR. HARDMAN: And the second page is a, is a related  
16 business document.

17 MS. LADEN: No objection, Your Honor.

18 JUDGE CHACHKIN: All right. Capitol Exhibit 17 is  
19 received.

20 (The document previously marked for  
21 identification as CAP Exhibit No. 17  
22 was received into evidence.)

23 JUDGE CHACHKIN: I think that -- did you also want  
24 19 in? Did you --

25 MR. HARDMAN: This witness is not sponsoring 19.

1 JUDGE CHACHKIN: All right. All right. I guess  
2 we're ready for cross-examination.

3 MR. HARDMAN: Your Honor, I do have a --

4 JUDGE CHACHKIN: Oh, you have some questions. Go  
5 ahead.

6 MR. HARDMAN: -- a few supplemental questions and  
7 just this is because Mr. Raymond is -- has been present at the  
8 hearing and has heard all the testimony.

9 JUDGE CHACHKIN: All right.

10 BY MR. HARDMAN:

11 Q Mr. Raymond, there's been some testimony about call  
12 signs that various RAM personnel thought they heard on 152.48  
13 and they identified as being Capitol's -- their call signs for  
14 Capitol's PCP system. Do you recall that testimony?

15 A Yes, I do.

16 Q Now, has Capitol ever used more than one station ID  
17 for its PCP system?

18 A No, sir.

19 Q So whatever the call sign is, that was the one that  
20 was used at all times? Is that --

21 A that is the only call sign we have for the PCP, yes,  
22 sir.

23 Q And is that the only one that Capitol ever used to  
24 transmit over the air?

25 A Yes, sir.



1 Q All right. Mr. Raymond, would you refer to the, the  
2 direct case there behind Tab 20, and do you see a document  
3 with the notation in the upper right-hand corner Exhibit CAP  
4 19?

5 A Yes.

6 Q All right. And I would ask you to refer to the  
7 second sentence of the text of that paragraph which states --  
8 RAM states that, "Capitol has a device that is patched into  
9 its paging bay station that imitates the sound of a tone page  
10 transmission."

11 A Yes, sir.

12 Q Are you familiar with any such device?

13 A No, sir.

14 Q To your knowledge has Capitol ever had such a  
15 device?

16 A Never.

17 Q Would you now also turn to the Private Radio Bureau,  
18 PRB No. 5? And I would ask you to refer to the second and  
19 third pages. Do you have those, sir?

20 A Yes, sir.

21 Q Do you recognize those documents?

22 A Yes, sir.

23 Q Could you tell us what they are?

24 A These were customers that were on the private  
25 carrier 152.48 megahertz frequency in Charleston on page 2,

1 and some that were on the Huntington which is on page 3.

2 Q Do you recognize the type of document that is?

3 A It's just a typed document that's been put into a  
4 word processor and ran off on computer paper.

5 Q Is that a computer report that Capitol gets or  
6 maintains as part of its business?

7 A No. No.

8 Q Does Capitol have any type of computer generated  
9 report like this in its computer system?

10 A No format to this whatsoever, nothing similar to  
11 this.

12 JUDGE CHACHKIN: Has it been established where these  
13 documents came from?

14 MR. HARDMAN: Yeah. The -- yes, Your Honor. The  
15 FCC inspectors testified that this was given to them by  
16 Capitol personnel at the time of the inspection which, as I  
17 believe their inference was, this was a computer generated  
18 report. I'm asking this witness to establish the nature of  
19 the document.

20 JUDGE CHACHKIN: Go ahead. Go ahead.

21 BY MR. HARDMAN:

22 Q I'm sorry. I -- at the risk of repeating, is this  
23 -- are these two pages reports from any routine computer  
24 generated or prepared reports that Capitol has or uses?

25 A Absolutely not.

1 Q Okay. I would refer you now to January 29, 1990 in  
2 your mind and ask you if on that date you received a phone  
3 call from a Mr. Bobbitt at RAM?

4 A Yes, sir, I did.

5 Q And --

6 MR. JOYCE: Leading question, Your Honor. I object.

7 JUDGE CHACHKIN: Well, it's been asked and answered,  
8 so --

9 BY MR. HARDMAN:

10 Q What was the subject of that phone call?

11 A He called me to inform me that Capitol had 40 days  
12 to get off their long distance telephone savers. I at that  
13 time explained to Mr. Bobbitt, who has earlier testified that  
14 we had never spoke, that I was not in charge of that and that  
15 he would have to either contact via phone or send Mr. Stone a  
16 letter because I did not handle the trunking part of, of the  
17 industry at that time.

18 Q Do you remember exactly what he said about Capitol  
19 getting off the long distance savers?

20 A He gave us 40 days and the reason it is so clear in  
21 my mind, at that time I thought that long distance telephone  
22 savers were headed under the Public Service Commission as a  
23 public utility, the same as us, in West Virginia, so I went on  
24 to make the call to the Public Service Commission to complain  
25 over the fact that for -- an apparent reason of our private

1 carrier application I felt that we were being unjustly taken  
2 care of, but for some reason, and I cannot explain, they are  
3 not regulated in West Virginia. Maybe it's because they're  
4 coming out of Ashland, Kentucky. So our Public Service  
5 Commission in West Virginia could not do anything about it  
6 except make some comments.

7 Q Why did Capitol care whether they were ordered off  
8 the telephone circuits or not?

9 A Our Ashland pager numbers were being trunked to us  
10 from long distance telephone savers and if we lost that line  
11 it created quite a hardship financially and -- on us to have  
12 to have another company, which we had to eventually, install  
13 trunking for us from the Ashland area into Huntington which is  
14 a different state.

15 Q Well, were there alternative sources of supply?

16 A Long distance carriers.

17 Q Were the rates the same?

18 A No, and plus you have to pay a setup fee per se to  
19 initiate the service which was quite expensive at that time.

20 Q Do you know which, which carriers were -- I'm sorry.  
21 Were the alternative carriers more or less expensive than,  
22 than RAM?

23 A From memory I think they were more. How much more,  
24 I'm not quite sure.

25 Q You also, I believe, heard the testimony here about

1 in the fall of 1990 the, the -- what has been referred to as  
2 the stereo effect of interference. Do you recall that  
3 testimony?

4 A Yes, sir.

5 Q Do you know -- did anyone at Capitol cause that  
6 interference --

7 A No, sir.

8 Q -- to your knowledge?

9 A No, sir.

10 Q Do you recall the testimony about -- I'm sorry. Do  
11 you have an opinion based on your position in the company and  
12 familiarity with its operation as to the cause of that  
13 interference as it has been described to you at this point?

14 A The cause? What could have caused --

15 Q The stereo effect.

16 A No, sir.

17 Q Did you hear the testimony about the duplicate  
18 transmissions which were monitored by RAM personnel beginning  
19 August 1992, the duplicate transmissions from 152.51 megahertz  
20 to 152.48 megahertz?

21 A Yes.

22 Q To your knowledge did you or anyone at Capitol cause  
23 that interference or cause those duplicate transmissions?

24 A Absolutely not.

25 Q Do you, based on your experience and knowledge of

1 Capitol's operation, have an opinion on how that was done?

2 A Yes, I have an opinion.

3 Q Could you state it please?

4 A Well, we're certain that Capitol did not cause it.  
5 It leads to my mind that it could have been sabotage.

6 Q By sabotage what do you mean?

7 A By some other company transmitting that messages  
8 over -- as their technician explained, through a receiver,  
9 transmitting it over the air.

10 Q You used the term sabotage.

11 A Yes.

12 Q How is it possible that such -- that that type of  
13 event could occur?

14 A Well, several ways in my opinion. One, as RAM  
15 Technologies people suggested, that someone could be taking  
16 that signal and mixing it, actually capturing it and mixing  
17 it. Since I have heard their testimonies yesterday there has  
18 already been some provisions made within our corporate office.  
19 We have in our office -- modem lines which has access for  
20 remote capability to enter into the CRT, into the computer, to  
21 change paging or whatever. These are just dial up lines and  
22 they are not the security in -- and I'm not a computer person,  
23 of the codes or password to enter into that particular screen  
24 as Mr. Walker saw, so the screen isn't on and anyone -- as  
25 again as RAM Technologies people, with a minimum amount of

1 training knows how to program and to chain.

2 Q What -- you said -- what screen are you referring  
3 to?

4 A The programming screen to allow you to get into the  
5 terminal to program pagers, to validate, invalidate, to, to  
6 replace a pager. If a pager is broken and this is a broken  
7 pager, this is a good pager, you can transfer that phone  
8 number from the broken pager onto a workable pager and  
9 validate it and actually invalidate or kill the pager that's  
10 broke.

11 Q Is, is that the same screen that -- where you set up  
12 a chain on a --

13 A Yes, sir. Yes, sir. You can do all -- all the  
14 functions come off of one screen. You have what's called a  
15 menu on the front of the screen and you pick what part or you  
16 select the number of what you want to go into.

17 Q And if I understand your testimony correctly, you're  
18 saying that this is accessible to a -- from the outside world  
19 to a dial up modem line, is that right, telephone line?

20 A It could be done from right here in this office here  
21 even long distance with a phone line and a lap top computer or  
22 any type thing to dial that number up and you could enter into  
23 the computer, yes, sir. Lots of companies use dial up. RAM  
24 Technologies, I believe, awhile ago mentioned that they had --  
25 in the earlier testimony or at some other point -- maybe one

1 of their salespeople told me or maybe it was even American  
2 Mobile Phone, that their, their people program via phone line,  
3 via touch tone so can get it and do that from a touch tone  
4 phone.

5 Q Well, I appreciate the information about RAM, but  
6 what, what does this phone line do? I mean, what's the reason  
7 Capitol has this phone line?

8 A To access it. Our computer system is, is maintained  
9 by a company in California. During Mr. Wilson's illness he  
10 was not able to come to the office on a daily type basis and  
11 prior to that, which was -- this phone line has been in  
12 existence for about ten years. I can go back to five years  
13 and tell you that our programmer at that time lived  
14 approximately 45 miles from Charleston, and I have found out  
15 possibly in this area 45 miles is not a long way to drive.  
16 Back home it's a long way. So we installed a modem line  
17 approximately eight to ten years ago in there so -- for that  
18 remote capability to get in and do the functions and the  
19 testing in the terminals.

20 Q Apart from the modem line, is there any other ways  
21 that sabotage could have been effected in your opinion?

22 A Absolutely.

23 Q Could you explain?

24 A I think Mr. Walker could probably even validate this  
25 even though it wasn't brought up in his testimony. In some of



1 the conversations that we had I invited him down on many, many  
2 occasions and gave him directions and actually pleaded with  
3 him to come to Charleston. It was a joke but I offered to pay  
4 the way, that Capitol would pay the way to get the FCC  
5 inspectors down there. I said, "Please come in the back  
6 door." We own an answering service that operates within the  
7 same -- in the same building as our paging. The doors are  
8 open 24 hours a day. So I said, "Come in the back door, third  
9 door on the right's the terminal. Go in there and check it  
10 anytime you want." We're from West Virginia and maybe we  
11 didn't up until last night have the security that we should  
12 have maybe in a larger city.

13 Q Well, this is not necessarily a big city issue. I  
14 mean, this is an issue of industrial security. Is it your  
15 testimony that Capitol had minimal or no corporate security  
16 around its operations?

17 A As much as I hate to admit, we were more than lax in  
18 our security.

19 Q You don't have crime in West Virginia?

20 A Didn't think we had a lot but, yes, we do. Yes, we  
21 do. It would -- I have to admit that it was lax on our part.  
22 I don't live in Charleston. We don't have to lock our door  
23 when we leave, but that's home, that's not business.

24 MR. HARDMAN: I have no further questions. Pass the  
25 witness.

1 JUDGE CHACHKIN: All right. Who's going to lead  
2 off?

3 MR. JOYCE: I believe I will, Your Honor.

4 JUDGE CHACHKIN: All right, Mr. Joyce. We're only  
5 going to go for ten minutes, so --

6 MR. JOYCE: All right. Thank you, Your Honor.

7 CROSS-EXAMINATION

8 BY MR. JOYCE:

9 Q Good afternoon, Mr. Raymond. My name is Frederick  
10 Joyce. I'm an attorney for RAM Technologies, Inc. We haven't  
11 met before, have we?

12 A Just passing here.

13 Q Mr. Raymond, I have a couple of questions about your  
14 direct testimony. Do you have it in front of you, behind  
15 Capitol Exhibit Tab No. 1?

16 A Yes, sir.

17 Q All right. You joined Capitol in February of 1989,  
18 according to your direct testimony?

19 A That is correct, sir.

20 Q Did you have experience in paging prior to that?

21 A I had experience in marketing and, yes, I had  
22 somewhat limited experience in communications. I was a  
23 representative for a security system that was installed into  
24 homes and so forth. I started in the marketing endeavor back  
25 in 1972 as a full-time position prior to college and being

1 married and I had been working earning an income since seven  
2 years old.

3 Q Okay. Were you involved in Capitol's or anybody  
4 else's RCC paging business prior to February of 1989?

5 A No, sir. Not as an employee, no, sir.

6 Q Okay. So this is your first, first job as a paging  
7 person? Is that fair to say?

8 A Yes, sir. Go ahead. That's fine.

9 Q Now, your title is Vice President for the company?

10 A And Chief Operating Officer, yes, sir.

11 Q I'm sorry. I couldn't hear you.

12 A Vice President/Chief Operating Officer, yes, sir.

13 Q Okay. I'm just trying to establish who the people  
14 are at Capitol. Your boss is --

15 A Dan Stone.

16 Q He's -- his title is?

17 A He's the President.

18 Q Is he 100 percent owner?

19 A No, sir.

20 Q What is the ownership structure at Capitol?

21 A It's a family-owned business amongst four family  
22 members.

23 Q Since they're family owners I presume you're not a  
24 part owner of Capitol?

25 A No. I'm not a family member.

1 Q You're not a family member and you don't own any  
2 interest in Capitol?

3 A No. I have no stock.

4 Q Your testimony says that it was your idea to get  
5 into the private carrier paging business? Is that correct?

6 A That is absolutely correct, yes, sir.

7 Q But you had no prior experience in private carrier  
8 paging, correct, you just told me?

9 A That is correct. We had not operated any private  
10 carrier paging business up until I construed the idea.

11 Q No. That wasn't my question but I appreciate your  
12 answer. I said you didn't have any previous private carrier  
13 paging experience? Isn't that correct?

14 A Oh, no, sir. No, sir.

15 Q You were aware -- and this is in 1989 according to  
16 your testimony when you first got the idea for PCP? Correct?

17 A That is -- I think it was the latter part of '89, I  
18 believe, yes, sir.

19 Q You knew that RAM Technologies, Inc. was operating a  
20 private carrier paging system at that time, I presume, didn't  
21 you?

22 A Yes, sir, I did.

23 Q And you certainly knew that Capitol had an RCC  
24 paging system at that time, didn't you?

25 A Absolutely, yes, sir.

1 Q I take it since you weren't in the paging business  
2 prior to working for Capitol that you probably didn't know  
3 anything about Bob Moyer? Is that a fair assumption?

4 A That is not a fair assumption.

5 Q You were familiar with him?

6 A No, not personally. I just -- I'd heard of him in  
7 his GE sales and so on and so forth for many years back.

8 Q So you knew that Bob Moyer had run a paging business  
9 in Capitol's service area prior to 1989? Isn't that correct?

10 A Yes, sir. Are we speaking of the RCC paging  
11 business?

12 Q Any paging at all.

13 A Yes, sir.

14 Q In 1989 RAM Technologies is obviously a competitor  
15 of Capitol's? Isn't that correct?

16 A Yes, sir.

17 Q Is it fair to say that RAM Technologies was doing a  
18 pretty good job of competing against Capitol?

19 A I don't know what you would consider fair, sir.

20 Q Well, RAM Technologies wasn't in business until the  
21 summer or latter part of 1989? Correct?

22 A Yes, sir.

23 Q So that means they're starting with zero customers?  
24 Correct?

25 A Okay.

1 Q Presumably?  
2 A Presumably.  
3 Q Now, at that time Capitol had how many customers?  
4 A Several thousand.  
5 Q I'm sorry. I can't hear you.  
6 A Several thousand I'm wanting to assume.  
7 Q Several thousand?  
8 A I don't remember a count at that time, a lot.  
9 Q Okay. But Capitol had been in business for 30  
10 years? Correct?  
11 A Approximately, yes, sir.  
12 Q Okay. Now, by the end of 1989/1990, after it's  
13 first year of operation -- I presume paging companies keep  
14 track of each other pretty well, particularly in a small area  
15 like Huntington and Charleston? Correct?  
16 A Track such as --  
17 Q Well, you have a fair idea from day to day how many  
18 paging customers they have and vice versa, don't you?  
19 A No, sir.  
20 Q You have absolutely no idea?  
21 A No, sir, none whatsoever.  
22 Q Not the foggiest?  
23 A No. That's why I found it interesting reading. I  
24 found out more about how many customers they have than I ever  
25 could have guessed myself. No, sir, I have no way of knowing.

1 As your witnesses testified, hearing all this noise going out,  
2 but it doesn't tell you how many pagers are going out so, no,  
3 I don't have any way of counting their customers, especially  
4 with this Network USA going through, how many of those are his  
5 and who else's I have no idea.

6 Q Mr. Raymond, isn't it true that you actually  
7 monitored 152.48 prior to your applying for a PCP application?

8 A Oh, absolutely, yes, sir.

9 Q Okay. And you did that to determine how much  
10 traffic was on the air? Correct?

11 A Yes, sir. That's what NABER had required me to do,  
12 yes, sir, and it requested. Yes, sir. NABER -- Mrs. Watson,  
13 Gloria Watson, had even requested that, yes, sir.

14 Q And, in fact, although I'm looking for it  
15 unsuccessfully, I believe Mr. Hardman has actually submitted  
16 it as part of the exhibits in this case, isn't that correct,  
17 that communication between you and NABER concerning your  
18 submission of traffic reports to them? Isn't that true?

19 A I would have to look. If you could tell me what tab  
20 it is, I'll be glad to look, sir. I can look at the index  
21 maybe and find it.

22 JUDGE CHACHKIN: Looks like it's 18. Do we have  
23 reference to 18, Capitol Exhibit 18? Just so the record's  
24 clear, the witness asked if he could have a mint while he was  
25 up there.

1           MR. JOYCE: All right. I'm -- I apologize for the  
2 confusion, Mr. Raymond. I'm actually referring to your direct  
3 testimony on page 6.

4           JUDGE CHACHKIN: Well, before we start that, it's  
5 time for a recess so you can hold over until Monday at 9:30.

6           (Whereupon, the hearing was recessed at 3:59 p.m. to  
7 reconvene on Monday, February 7, 1994 at 9:30 a.m.)

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**CERTIFICATE OF REPORTER, TRANSCRIBER, AND PROOFREADER**

IN THE MATTER OF CHARLESTON, WEST VIRGINIA

**Name**

PR DOCKET NO. 93-231

**Docket No.**

WASHINGTON, D.C.

**Place**

FEBRUARY 4, 1994

**Date**

We, the undersigned, do hereby certify that the foregoing pages, numbers 603 through 825, inclusive, are the true, accurate and complete transcript prepared from the reporting by MARYKAE FLEISHMAN in attendance at the above identified proceeding, in accordance with applicable provisions of the current Federal Communications Commission's professional verbatim reporting and transcription Statement of Work and have verified the accuracy of the transcript by (1) comparing the typewritten transcript against the reporting or recording accomplished at the proceeding and (2) comparing the final proofed typewritten transcript against the reporting or recording accomplished at the proceeding.

February 15, 1994

**Date**

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February 17, 1994

**Date**

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Court Reporting Depositions  
D.C. Area 261-1902  
Balt. & Annap. 974-0947